



Document Name	DAS_1_TechRevisionsBITS
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Eleanor Michael
Division Requesting This Proposal	Bureau of Information Technology Solutions
Drafter	Eleanor Michael

Title of Proposal	AAC Minor and Technical Revisions to the Bureau of Information Technology Solutions Statutes
Statutory Reference, if any	4a-2; 4d-2; 4d-5
Brief Summary and Statement of Purpose	Technical changes to DAS statutes to better reflect the functions and vocabulary of the Bureau of Information Technology Solutions.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1 amends C.G.S. 4a-2 to reflect that DAS provides information technology services to other state agencies.</p> <p>Section 2 amends C.G.S. 4d-2 to: (1) replace the old name of the division (Division of Information Technology) with the new name (Bureau of Information Technology Solutions) and (2) remove a reference to the Standardization Committee because the Committee is no longer necessary. The Standardization Committee was originally put in place to ensure that all agencies have the same standard technology, and if there were any exceptions, the</p>



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committee would review them. However, DAS has technology procurement authority over all IT purchases, so standards are controlled in that way, and the Committee is no longer necessary.

Section 3 amends C.G.S. 4d-5 to replace outdated language.

BACKGROUND

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

<p>Have there been changes in federal/state laws or regulations that make this legislation necessary?</p>	<p>N/A</p>
<p>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</p>	<p>N/A</p>
<p>Have certain constituencies called for this proposal?</p>	<p>N/A</p>



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INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[x] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	



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MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

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ANYTHING ELSE WE SHOULD KNOW?

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Section 1. Section 4a-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(a) The Commissioner of Administrative Services shall have the following general duties and responsibilities:

- (1) The establishment of personnel policy and responsibility for the personnel administration of state employees;
- (2) The purchase and provision of supplies, materials, equipment and contractual services, as defined in section 4a-50;
- (3) The publishing, printing or purchasing of laws, stationery, forms and reports;
- (4) The collection of sums due the state for public assistance;
- (5) The **provision of information technology services for state agencies, as well as the** purchase and contracting for information systems and telecommunication system facilities, equipment and services for state agencies, in accordance with chapter 61;
- (6) The purchase, sale, lease, sublease and acquisition of property and space to house state agencies and the construction, maintenance and development of such property, in accordance with chapters 59 and 60;
- (7) Subject to the provisions of section 4b-21, the sale or exchange of any land or interest in land belonging to the state;



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(8) The supervision of the care and control of building and grounds owned or leased by the state in Hartford, except (A) the buildings and grounds of the State Capitol and the Legislative Office Building and parking garage and related structures and facilities and grounds, as provided in section 2-71h, (B) any property of the Connecticut Marketing Authority, and (C) property under the supervision of the Office of the Chief Court Administrator as provided in section 4b-11; and

(9) The establishing and maintaining of security standards for all facilities housing the offices and equipment of the state except (A) Department of Transportation mass transit, marine and aviation facilities, (B) the State Capitol and Legislative Office Building and related facilities, (C) facilities under the care and control of The University of Connecticut or other constituent units of the state system of higher education, (D) Judicial Department facilities, (E) Department of Emergency Services and Public Protection facilities, (F) Military Department facilities, (G) Department of Correction facilities, (H) Department of Children and Families client-occupied facilities, (I) facilities occupied by the Governor, Lieutenant Governor, Attorney General, Comptroller, Secretary of the State and Treasurer, and (J) facilities occupied by the Board of Pardons and Paroles. As used in this subdivision, “security” has the same meaning as provided in section 4b-30.

(b) Notwithstanding any other provision of the general statutes, the commissioner may supervise the care and control of (1) any state-owned or leased office building, and related buildings and grounds, outside the city of Hartford, used as district offices, except any state-owned or leased office building, and such buildings and grounds, used by the Judicial Department or The University of Connecticut, and (2) any other state-owned or leased property, other than property of The University of Connecticut, on a temporary or permanent basis, if the commissioner, the Secretary of the Office of Policy and Management and the executive head of the department or agency supervising the care and control of such property agree, in writing, to such supervision.

(c) Subject to the provisions of chapter 67, the Commissioner of Administrative Services may appoint such employees as are necessary for carrying out the duties prescribed to said commissioner by the general statutes.

Sec. 2. Section 4d-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) There shall be a **[Division] Bureau** of Information Technology **Solutions** within the Department of Administrative Services. The Commissioner of Administrative Services shall appoint a Chief Information Officer to administer the **[division] bureau**, who shall be exempt from the classified service. The Chief Information Officer shall be an individual knowledgeable with respect to information and telecommunication systems.

(b) The Commissioner of Administrative Services shall: (1) Identify and implement (A) optimal information and telecommunication systems to efficiently service the needs of state agencies, and (B) opportunities for reducing costs for such systems; (2) approve or disapprove, in accordance with guidelines established by the commissioner, each proposed state agency acquisition of hardware or software for an information or telecommunication system, except for (A) hardware or software having a cost of less than twenty thousand dollars, or (B) hardware or software having a cost of twenty thousand dollars or more, but less than one hundred thousand dollars, which is for a project that complies with the agency's business systems plan; (3) approve or disapprove, in accordance with guidelines established by the commissioner, all state agency requests or proposed contracts for consultants for information and telecommunication systems; (4) be responsible for purchasing, leasing and contracting for all information system and telecommunication system facilities, equipment and services for state agencies, in accordance with the provisions of subsection (a) of section 4d-8, except for the offices of the Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of the State and Comptroller; (5) review existing and new information and telecommunication system technologies to ensure consistency with the strategic plan established under section 4d-7 and approved state agency architecture **[and make recommendations to the Standardization Committee established under section 4a-58 for review and appropriate action]**; (6) cooperate with the General Assembly, the Judicial Department and the constituent units of



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the state system of higher education in assessing opportunities for cost savings and greater sharing of information resources which could result if such entities acquire information and telecommunication systems similar to those of state agencies; and (7) ensure state-wide implementation of the 9-1-1 and E 9-1-1 systems.

(c) The Department of Administrative Services shall approve or disapprove a state agency request or proposed contract under subdivision (2) or (3) of subsection (b) of this section no later than seven business days after receipt of the request or proposed contract and any necessary supporting information. If the Department of Administrative Services does not approve or disapprove the request or proposed contract by the end of such seven-day period, the request or proposed contract shall be deemed to have been approved. The provisions of subdivision (3) of subsection (b) of this section shall not apply to telecommunication consultants retained by the Public Utilities Regulatory Authority or the Office of Consumer Counsel in connection with telecommunication proceedings of said authority.

Sec. 3. Section 4d-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The commissioner shall be responsible for purchasing, leasing and contracting for all **[telecommunication] technology** facilities, equipment and services for the state-wide **[telecommunication] technology** infrastructure for the support of state agencies; implementing, or assisting state agencies in implementing, such facilities; processing bills for **[telecommunication] technology** services used by state agencies including **[telecommunication] technology** services provided at the request of state agencies to (1) private nonprofit or not-for-profit agencies whose **[telecommunication] technology** services are funded primarily by the state, and (2) political subdivisions of the state; and managing the operation of such infrastructure.

(b) The commissioner shall be responsible for planning for such **[telecommunication] technology** infrastructure and assisting state agencies in (1) planning for the acquisition of **[telecommunication] technology** systems and (2) implementing such systems.



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Document Name: DAS_2_Procurement_V4

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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Eleanor Michael
Division Requesting This Proposal	Procurement Division
Drafter	Antoinette M. Webster

Title of Proposal	AAC Minor and Technical Revisions to DAS Procurement Authority
Statutory Reference, if any	C.G.S. Sections 4a-57(f); 4d-32(b); 4a-60g; 4a-57; and 4a-60a
Brief Summary and Statement of Purpose	(1) Authorizes DAS to contract with other states in order to clarify DAS’ purchasing authority (2) removes the burdensome requirement that DAS post on its website notice of minor, nonrecurring, or emergency purchases of \$10,000 or less (3) eliminates the burdensome requirement that state contractors have to file subcontracting agreements with DAS, (4) revises set-aside reporting timelines to align them with the fiscal year cycle and to improve efficiencies in agency reporting by allowing for automation of the reporting process, (5) updates the thresholds for publication of notices of planned purchases and for what is deemed a minor nonrecurring and emergency purchase. (6) updates thresholds for publication of notices of planned purchases on the State Contracting Portal as thresholds were last updated in 1999, (7), (8), and (9) updates prequalification



	<p>threshold by revising definition of “substantial contractor”, which threshold was last updated in 1999, and (10) makes technical update to Section 4a-60a to align it to similar change made to 4a-60 last session.</p>
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SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1 – authorizes DAS to contract with other states.</p> <p>Section 2 – removes the administratively burdensome requirement that all contracts under \$10,000 or less be posted on the DAS Internet website including minor, nonrecurring, or emergency purchases. In the 2022 legislative session, Public Act 22-65 was passed to require that contracts be posted on the DAS website when the commissioner waived the competitive bidding or competitive negotiation for the purchase of cars or light-duty trucks in order to comply with the general statutes regarding the purchase of alternate fuel vehicles or federal law requirements. The unintended consequence of Public Act 22-65 was the requirement that all contracts \$10,000 or less, including minor, nonrecurring or emergency purchases be posted on the DAS Internet website. While DAS posts contracts as a matter of practice, the requirement to post these <i>de minimus</i> contracts will be an inefficient use of state resources and particularly burdensome on state agencies</p> <p>Section 3 – eliminates the requirement that a vendor who contracts with the state file copies of its subcontracting agreement(s) or amendment(s) with DAS and eliminates the requirement that the Chief Information Officer maintain the vendor’s subcontract or amendment as public record as defined in C.G.S. 1-200. State contractors have objected to the filing of these confidential agreements with their subcontractors. Contractors' agreements with their subcontractors are private agreements, which many times are entered into prior to a contract award. Requiring contractors to file these agreements with DAS makes these agreements subject to public disclosure, disclosing privately agreed upon terms, conditions, pricing, and putting the contractor and its subcontractors at a disadvantage in the competitive marketplace. The mere fact that contractors are required to file these confidential agreement acts as a deterrent, making it difficult for the state to find contractors to do business with. This proposal retains transparency for the state because it leaves intact section (a) of 4d-32 of the Connecticut General Statutes, which requires that the CIO preapprove the vendor’s selection of subcontractor(s) and the provisions of the subcontracting agreement(s).</p> <p>Section 4 – revises the set-aside reporting timeline to align it with the fiscal year cycle and to improve efficiencies in agency reporting by allowing for automation of the reporting process.</p>
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Under current law, these reports on set-aside goals are not due until two months into any given fiscal year, which means the agency is already well into the fiscal year before they are undergoing this goal-setting exercise. Under this proposal, DAS will provide preliminary reports to agencies at the beginning of the fiscal year, and the agencies can use these as the basis for their final reports. This change will help agencies identify earlier in the year whether they will achieve their annual goals, and therefore will allow them more time to make any necessary course corrections to get back on track.

Sections 5 & 6 – Update the threshold for publication of notices of planned purchases on the State Contracting Portal from \$50,000 to \$100,000, and updates the threshold for minor nonrecurring and emergency purchases for which the commissioner may waive the requirement of competitive bidding or competitive negotiation from \$10,000 to \$25,000. These thresholds were last updated over 20 years ago in Public Act 99-161.

Sections 7, 8 & 9 – Update the threshold for prequalification by changing the definition of a “substantial subcontractor” from a person who performs work with a value in excess of five hundred thousand dollars to a person who performs work with a value in excess of one million dollars. \$500,000 threshold was established in 1999, and this change is based on escalation since that time. The Consumer Price Index has increased by approximately 80% since 1999, and escalation in the construction industry has increased approximately 125% during that same time period. This proposal would keep this threshold consistent with the average rate of inflation. Raising the prequalification threshold would benefit small and minority businesses, among others, as the bonding requirements associated with prequalification has historically been a barrier to their participation in the program.

Section 10 – In the 2022 legislative session, C.G.S. sec 4a-60 was amended in Public Act 22-40 to allow a contractor’s signature on a contract to serve as an affirmation of its obligations under the section. This proposal would make a parallel change to sec. 4a-60a.

BACKGROUND

Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:



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<p>Have there been changes in federal/state laws or regulations that make this legislation necessary?</p>	<p>N/A</p>
<p>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</p>	<p>N/A</p>
<p>Have certain constituencies called for this proposal?</p>	<p>N/A</p>

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[] Check here if this proposal does NOT impact other agencies

<p>1. Agency Name—State agencies</p>	<p>State agencies and political subdivisions authorized to make purchases under DAS contracts can benefit from the additional goods/services available under DAS contracts entered into with other states.</p>
<p>Agency Contact (name, title)</p>	
<p>Date Contacted</p>	
<p>Status</p>	<p><input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing</p>



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Open Issues, if any	
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FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

Authorizing DAS to enter into contracts with other states will benefit state agencies and political subdivisions by creating another contracting vehicle to meet agency needs.
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ANYTHING ELSE WE SHOULD KNOW?



Several agencies have requested the use of other state’s contracts and DAS could not offer those contracts without legislative authority to enter into contracts with other states.

Sec. 1. Subsection (b) of section 4a-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The Commissioner of Administrative Services may join with federal agencies, other state governments, political subdivisions of this state or nonprofit organizations in cooperative purchasing plans when the best interests of the state would be served thereby.

(b) The state, through the Commissioner of Administrative Services, may purchase equipment, supplies, materials and services from **another state, including another state’s instrumentalities and political subdivisions, or from** a person who has a contract to sell such property or services to other state governments, political subdivisions of this state, nonprofit organizations or public purchasing consortia, in accordance with the terms and conditions of such contract.

(c) The Commissioner of Administrative Services, in conjunction with the Department of Energy and Environmental Protection and within available appropriations, shall make known to the chief executive officer of each municipality the existence of cooperative plans for the purchase of recycled paper.

Sec. 2. Subsection (f) of section 4a-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(f) The commissioner shall post any contract entered into under this section that has not been subject to competitive bidding or competitive negotiation on the Internet web site of the Department of Administrative Services, **with the exception of minor nonrecurring or emergency purchases of ten thousand dollars or less in amount,** and provided nothing in this subsection shall be construed to require the disclosure of any information not required to be disclosed under subsection (b) of section 1-210.

Sec. 3. Subsection (b) or section 4d-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):



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[(a)] No contractor shall award a subcontract for work under a contract or for work under an amendment to a contract without the approval of the Commissioner of Administrative Services or a designee of (1) the selection of the subcontractor, and (2) the disclosure of the provisions of the subcontract.

[(b) Each such contractor shall file a copy of each executed subcontract or amendment to the subcontract with the Commissioner of Administrative Services, who shall maintain the subcontract or amendment as a public record, as defined in section 1-200.]

Sec. 4. Subsection (l) of section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2024):

(l) On or before **June thirtieth of each year, [August thirtieth]** of each year, **the Commissioner of Administrative Services shall provide** each awarding agency setting aside contracts or portions of contracts under subdivision (2) of subsection (b) of this section **[shall prepare]** a **preliminary** report establishing small and minority business state set-aside program goals for the twelve-month period beginning July first in the same year. **On or before September thirtieth of each year, each such awarding agency shall submit [Each] a final version of such report [shall be submitted]** to the Commissioner of Administrative Services, the Commission on Human Rights and Opportunities and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and government administration.

Sec. 5. Subsections (a) and (b) of section 4a-57 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(a) All purchases of, and contracts for, supplies, materials, equipment and contractual services, except purchases and contracts made pursuant to the provisions of subsection (b) of this section and public utility services as provided in subsection (e) of this section shall be based, when possible, on competitive bids or competitive negotiation. The commissioner shall solicit competitive bids or proposals by providing notice of the planned purchase in a form and manner that the commissioner determines will maximize public participation in the competitive bidding or competitive negotiation process, including participation by small contractors, as defined in section 4a-60g, and promote competition. In the case of an expenditure that is estimated to exceed **[fifty] one-hundred** thousand dollars, such notice shall be posted, not less than five calendar days before the final date of submitting bids or proposals, on the State Contracting Portal. Each notice of a planned purchase under this subsection shall indicate the type of goods and services to be purchased and the estimated value of the contract award. The notice shall also contain a notice of state contract requirements concerning nondiscrimination and affirmative action pursuant to section 4a-60 and, when applicable, requirements concerning the awarding of contracts to small contractors, minority business enterprises, individuals with a disability and nonprofit corporations



pursuant to section 4a-60g. Each bid and proposal shall be kept sealed or secured until opened publicly at the time stated in the notice soliciting such bid or proposal.

(b) The commissioner may, at his discretion, waive the requirement of competitive bidding or competitive negotiation in the case of minor nonrecurring and emergency purchases of **[ten] twenty-five** thousand dollars or less in amount.

Sec. 6. Subsection (b) of section 4a-58 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(b) Whenever an emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions, the Commissioner of Administrative Services, or, in the case of purchases, leases and contracts for information systems, information technology personal property and telecommunication systems, the Chief Information Officer, may, if it is in the best interests of the state, waive the competitive bid or proposal requirements set forth in section 4a-57. If any such procurement is estimated to cost **[fifty] one-hundred** thousand dollars or more, such waiver shall be subject to the approval of the Standardization Committee. A statement of all purchases made under the provisions of this section shall be posted on the Internet web site of the Department of Administrative Services.

Sec. 7. Subsection (a) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2023):

(a) As used in this section: (1) “Prequalification” means prequalification issued by the Commissioner of Administrative Services to bid on a contract or perform work pursuant to a contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state or a municipality, except a public highway or bridge project or any other construction project administered by the Department of Transportation, or to perform work under such a contract as a substantial subcontractor; (2) “subcontractor” means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than **one million dollars [five hundred thousand dollars]**; (3) “principals and key personnel” includes officers, directors, shareholders, members, partners and managerial employees; (4) “aggregate work capacity rating” means the maximum amount of work an applicant is capable of undertaking for any and all projects; (5) “single project limit” means the highest estimated cost of a single project that an applicant is capable of undertaking; (6) “contract” means an agreement for work for the state or a municipality that is estimated to cost more than **one million [five hundred thousand]** dollars and is funded, in whole or in part, by state funds; and (7) “substantial subcontractor” means a person who performs work with a value in excess of **one million [five hundred thousand]** dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than **one million [five hundred thousand]** dollars.



Sec. 8. Subsection (c) of section 4a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) As used in this section, “public agency” means a public agency, as defined in section 1-200, “contract” means an agreement for work for the state or a municipality that is estimated to cost more than **one million [five hundred thousand]** dollars and is funded, in whole or in part, by state funds, “subcontractor” means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract and “substantial subcontractor” means a substantial subcontractor, as defined in section 4a-100.

Sec. 9. Section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a)(1) As used in this section, “prequalification classification” means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100, “public agency” has the same meaning as provided in section 1-200, “awarding authority” means the Department of Administrative Services, except “awarding authority” means (A) the Joint Committee on Legislative Management, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of the joint committee, (B) a constituent unit of the state system of higher education, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of such constituent unit, or (C) the Military Department, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of said department and “community court project”, “downtown Hartford higher education center project”, “correctional facility project”, “juvenile detention center project” and “priority higher education facility project” have the same meanings as provided in section 4b-55.

(2) Except as provided in subdivision (3) of this subsection, every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state that is estimated to cost more than **[five hundred thousand] one million** dollars shall be awarded to the lowest responsible and qualified general bidder who is prequalified pursuant to section 4a-100 on the basis of competitive bids in accordance with the procedures set forth in this chapter, after the awarding authority has invited such bids by posting notice on the State Contracting Portal. The awarding authority shall indicate the prequalification classification required for the contract in such notice.

(3) The requirements set forth in subdivision (2) of this subsection shall not apply to (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) a contract awarded by the Commissioner of Administrative Services for (i) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less, (ii) a community court project, (iii) the downtown Hartford higher education center project, (iv) a correctional facility project, (v) a juvenile detention center project, or (vi) a student residential



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facility for the Connecticut State University System that is a priority higher education facility project.

(4) Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by a public agency that is paid for, in whole or in part, with state funds and that is estimated to cost more than **[five hundred thousand] one million** dollars shall be awarded to a bidder that is prequalified pursuant to section 4a-100 after the public agency has invited such bids by posting notice on the State Contracting Portal, except for (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost one million five hundred thousand dollars or less. The awarding authority or public agency, as the case may be, shall indicate the prequalification classification required for the contract in such notice.

(5) (A) The Commissioner of Administrative Services may select contractors to be on lists established for the purpose of providing contractor services for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public works project administered by the Department of Administrative Services involving an expense to the state of one million five hundred thousand dollars or less. The commissioner shall use the prequalification classifications established pursuant to section 4a-100 to determine the specific categories of services that contractors may perform after being selected in accordance with this subparagraph and subparagraph (B) of this subdivision and awarded a contract in accordance with subparagraph (C) of this subdivision. The commissioner may establish a separate list for projects involving an expense to the state of less than **[five hundred thousand] one million** dollars for the purpose of selecting and utilizing the services of small contractors and minority business enterprises, as such terms are defined in section 4a-60g.

(B) The commissioner shall invite contractors to submit qualifications for each specific category of services sought by the department by posting notice of such invitation on the State Contracting Portal. The notice shall be in the form determined by the commissioner, and shall set forth the information that a contractor is required to submit to be considered for selection. Upon receipt of the submittal from the contractor, the commissioner shall select, for each specified category, those contractors who (i) are determined to be the most responsible and qualified, as such terms are defined in section 4b-92, to perform the work required under the specified category, (ii) have demonstrated the skill, ability and integrity to fulfill contract obligations considering their past performance, financial responsibility and experience with projects of the size, scope and complexity required by the state under the specified category, and (iii) for projects with a cost exceeding **[five hundred thousand] one million** dollars, have the ability to obtain the requisite bonding. The commissioner shall establish the duration that each list remains in effect, which in no event may exceed three years.

(C) For any public building or public works project involving an expense to the state of one million five hundred thousand dollars or less, the commissioner shall invite bids from only those contractors selected pursuant to subparagraphs (A) and (B) of this subdivision for the specific category of services required for the particular project. The commissioner shall determine the form



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of bid invitation, the manner of, and time for, submission of bids, and the conditions and requirements of such bids. The contract shall be awarded to the lowest responsible and qualified bidder, subject to the provisions of sections 4b-92 and 4b-94. In the event that fewer than three bids are received in response to an invitation to bid under this subdivision, or that all the bids are in excess of the amount of available funds for the project, the commissioner may negotiate a contract with any of the contractors submitting a bid, or reject the bids received and rebid the project in accordance with this section.

(b) The awarding authority shall determine the manner of submission and the conditions and requirements of such bids, and the time within which the bids shall be submitted, consistent with the provisions of this section and sections 4b-92 to 4b-96, inclusive. Such award shall be made not later than ninety days after the opening of such bids. If the general bidder selected as the general contractor fails to perform the general contractor's agreement to execute a contract in accordance with the terms of the general contractor's general bid and furnish a performance bond and also a labor and materials or payment bond to the amount specified in the general bid form, an award shall be made to the next lowest responsible and qualified general bidder, or, in the case of a contract awarded by the Department of Administrative Services under subdivision (5) of subsection (a) of this section, to the bidder determined in accordance with said subdivision if fewer than three bids are received. No employee of an awarding authority with decision-making authority concerning the award of a contract and no public official, as defined in section 1-79, may communicate with any bidder prior to the award of the contract if the communication results in the bidder receiving information about the contract that is not available to other bidders, except that if the lowest responsible and qualified bidder's price submitted is in excess of funds available to make an award, the awarding authority may negotiate with such bidder and award the contract on the basis of the funds available, without change in the contract specifications, plans and other requirements. If the award of a contract on such basis is refused by such bidder, the awarding authority may negotiate with other contractors who submitted bids in ascending order of bid prices without change in the contract, specifications, plans and other requirements. In the event of negotiation with general bidders as provided in this section, the general bidder involved may negotiate with subcontractors on the same basis, provided such general bidder shall negotiate only with subcontractors named on such general bidder's general bid form.

(c) No person may bid on a contract or perform work pursuant to a contract that is subject to the provisions of subsection (a) of this section unless the person is prequalified in accordance with section 4a-100.

(d) Each bid submitted for a contract described in subsection (c) of this section shall include an update bid statement in such form as the Commissioner of Administrative Services prescribes and, if required by the public agency soliciting such bid, a copy of the prequalification certificate issued by the Commissioner of Administrative Services. The form for such update bid statement shall provide space for information regarding all projects completed by the bidder since the date the bidder's prequalification certificate was issued or renewed, all projects the bidder currently has under contract, including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes in the bidder's financial position or corporate structure since the



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date the certificate was issued or renewed, any change in the contractor's qualification status as determined by the provisions of subdivision (6) of subsection (c) of section 4a-100 and such other relevant information as the Commissioner of Administrative Services prescribes. Any bid submitted without a copy of the prequalification certificate, if required by the public agency soliciting such bid, and an update bid statement shall be deemed invalid. Any public agency that accepts a bid submitted without a copy of such prequalification certificate, if required by such public agency soliciting such bid, and an update bid statement may become ineligible for the receipt of funds related to such bid.

(e) Any person who bids on a contract described in subsection (c) of this section shall certify under penalty of false statement at the conclusion of the bidding process that the information in the bid is true, that there has been no substantial change in the bidder's financial position or corporate structure since the bidder's most recent prequalification certificate was issued or renewed, other than those changes noted in the update bid statement, and that the bid was made without fraud or collusion with any person.

(f) Any person who receives information from a state employee or public official that is not available to the general public concerning any construction, reconstruction, alteration, remodeling, repair or demolition project on a public building or any other public work prior to the date that a notice for bids on the project is posted shall be disqualified from bidding on the project.

(g) Notwithstanding the provisions of this chapter regarding competitive bidding procedures, the commissioner may select and interview at least three responsible and qualified general contractors who are prequalified pursuant to section 4a-100 and submit the three selected contractors to the construction services award panels process described in section 4b-100a and any regulation adopted by the commissioner. The commissioner may negotiate with the successful bidder a contract which is both fair and reasonable to the state for a community court project, the downtown Hartford higher education center project, a correctional facility project, a juvenile detention center project, or a student residential facility for the Connecticut State University System that is a priority higher education facility project. The Commissioner of Administrative Services, prior to entering any such contract or performing any work on such project, shall submit such contract to the State Properties Review Board for review and approval or disapproval by the board, pursuant to subsection (i) of this section. Any general contractor awarded a contract pursuant to this subsection shall be subject to the same requirements concerning the furnishing of bonds as a contractor awarded a contract pursuant to subsection (b) of this section.

(h) Any agency that seeks to have a project awarded without being subject to competitive bidding procedures shall certify to the joint committee of the General Assembly having cognizance of matters relating to government administration and elections that the project is of such an emergency nature that an exception to the competitive bidding procedures of this section is required. Such certification shall include input from all affected agencies, detail the need for the exception and include any relevant documentation.

(i) In the event that the General Assembly approves legislation authorizing an exception to the competitive bidding process for a project, the State Properties Review Board shall complete a



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review of the contract for such project and approve or disapprove such contract no later than thirty days after the Commissioner of Administrative Services submits such contract to the board. Such review shall be conducted in accordance with the provisions of section 4b-3. In the event that such review does not occur within the thirty-day period prescribed by this subsection, such contract shall be deemed to be approved.

(j) No person whose subcontract exceeds five hundred thousand dollars in value may perform work as a subcontractor on a project for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state or a municipality, except a public highway or bridge project or any other construction project administered by the Department of Transportation, which project is estimated to cost more than **[five hundred thousand] one million** dollars and is paid for, in whole or in part, with state funds, unless, at the time of the bid submission, the person is prequalified in accordance with section 4a-100. The provisions of this subsection shall not apply to the downtown Hartford higher education center project.

(k) Notwithstanding any provision of this chapter, the Commissioner of Administrative Services may purchase equipment, supplies, materials or other property or services under sections 4a-53 and 4a-66 as required to fulfill his or her responsibilities under this chapter.

Sec. 10. Subdivision (1) of Subsection (b) of Section 4a-60a of the general statutes, as amended by Public Act 21-76, is repealed and the following is substituted in lieu thereof (Effective upon passage):

(1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project shall include a nondiscrimination affirmation provision in the contract certifying that the contractor understands the obligations of this section and will maintain a policy for the duration of the contract to assure that the contract will be performed in conformance with the nondiscrimination requirements of this section. The authorized signatory of the contract shall demonstrate his or her understanding of this obligation by either (A) initialing the nondiscrimination affirmation provision in the body of the contract, **[or]** (B) providing an affirmative response in the required online bid or response to a proposal question which asks if the contractor understands its obligations, **or (C) signing the contract.**



Agency Legislative Proposal – 2023 Session
Document Name: Increase Project Cost Definition 4b-55(6)

Document Name	Increase Project Cost Definition 4b-55 (6)
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Eleanor Michael
Division Requesting This Proposal	DAS Construction Services
Drafter	David H Barkin FAIA

Title of Proposal	An Act Increasing the Project Cost Definition
Statutory Reference, if any	4b-55 (6)
Brief Summary and Statement of Purpose	Increases project cost definition for the hiring of consultants utilizing DAS on-call contracts from \$500,000 to \$750,000, and establishes a mechanism for it to be adjusted annually going forward.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

This change would increase project cost definition for the hiring of consultants utilizing DAS on-call contracts from \$500,000 to \$750,000, and in so doing, would reduce the time needed to hire consultants for construction projects by utilizing on-call contracts up to \$750,000, up from the current level of \$500,000. Currently any consultant hired where fees are in excess of \$500,000 require a formal selection process which adds significant time and complexity, increases requisite staff time to process the Requests for Qualifications, conducting the selection panels and negotiating fees on a project by project basis. For projects below the threshold, we select from our on-call consultants list and assign the project then negotiate



Agency Legislative Proposal – 2023 Session
Document Name: Increase Project Cost Definition 4b-55(6)

without the need to advertise the project. Such a on-call selection process reduces the time to working on the project by 6 to 9 months. A higher threshold allows us to use the on-call contracts more broadly.

This proposal also increases the threshold annually, starting on July 1, 2024, by adjusting it by the percentage change in the producer price index commodity data for construction (partial) on July 1st of each year.

BACKGROUND

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	N/A
Have certain constituencies called for this proposal?	N/A



Agency Legislative Proposal – 2023 Session
Document Name: Increase Project Cost Definition 4b-55(6)

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INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies

1. Agency Name	All agencies for whom DAS provides construction oversight would be impacted (positive impact)
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	N/A

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	This change would reduce the time needed to hire consultants for construction projects by utilizing on-call contracts up to \$750,000, up from the current level of \$500,000. Currently any consultant hired where fees are in excess of \$500,000 require a formal selection process which adds significant time and complexity, increases requisite staff time to process the Requests for Qualifications, conducting the selection panels and negotiating fees on a project by project basis. For projects below the threshold, we select from our on-call consultants list and assign the project then negotiate without the need to advertise the project. Such a on-call selection process reduces the time to working on the project by 6 to 9 months. A higher threshold allows us to use the on-call contracts more broadly.
Municipal (Include any municipal mandate that can be found within legislation)	N/A



Agency Legislative Proposal – 2023 Session
Document Name: Increase Project Cost Definition 4b-55(6)

Federal	N/A
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

In 1993 per PA 93-201 the value was set at \$300K.
 In 2016 per PA 16-81 the value was increased to \$500K

Section 1. Subsection (6) of section 4b-55 of the general statutes is repealed and the following is substituted in lieu thereof:

(6) “Project” means any state program requiring consultant services if the cost of such services is estimated to exceed [five] seven hundred and fifty thousand dollars **except that on July 1, 2024, and on each July first thereafter, such threshold shall be adjusted by the percentage change in the producer price index commodity data for construction (partial), not seasonally adjusted, WPU80, or its successor index, as calculated by the United States Department of Labor, over the preceding calendar year, rounded to the nearest hundred dollars;**



Agency Legislative Proposal – 2023 Session

Document Name: DAS_8_EliminateNewspaperAdvertisingRequirement

Document Name	DAS_8_EliminateNewspaperAdvertisingRequirement
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Eleanor Michael
Division Requesting This Proposal	DAS – Real Estate and Construction Services – Statewide Leasing and Property Transfer
Drafter	Shane Mallory / Eleanor Michael

Title of Proposal	Eliminate need to advertise in newspapers
Statutory Reference, if any	4b-34
Brief Summary and Statement of Purpose	To eliminate requirement to advertise in hard copy newspaper, as most real estate sources are now electronic and to reduce costs.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section 1 modernizes the statute by eliminating the requirement that DAS advertise in newspapers when DAS is leasing space larger than 2,500 square feet, but inserts a requirement that DAS advertise on the agency website and on the state’s procurement portal.
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BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made, or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies



Agency Legislative Proposal – 2023 Session
Document Name: DAS_8_EliminateNewspaperAdvertisingRequirement

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	Will reduce marketing costs by approximately \$3,500/year.
Municipal (Include any municipal mandate that can be found within legislation)	N/A
Federal	N/A
Additional notes	N/A

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

Check here if this proposal does NOT lead to any measurable outcomes



Will eliminate costs for advertising.

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Subsection (a) of Section 4b-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) Except as provided under subsection (e) of this section, whenever it appears from the specifications of the requesting agency or institution that the space needs equal or exceed two thousand five hundred square feet and the Commissioner of Administrative Services has determined that such needs will be met by lease of space, the commissioner shall give public notice of such space needs and specifications by advertising **on the department’s internet website and on the State Contracting Portal in accordance with the provisions of section 4a-13**[, at least once, in a newspaper having a substantial circulation in the area in which such space is sought,] no less than fifteen days prior to the date of final selection. A copy of such notice shall be sent to the regional chapter of the Connecticut Association of Realtors serving the area in which such space is sought. The provisions of this subsection shall not be construed to require the commissioner to lease space only from persons responding to such advertisements.



Agency Legislative Proposal – 2023 Session
Document Name: DAS_9_AdditionalSBPACMembers

Document Name	DAS_9_AdditionalSBPACMembers
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Eleanor Michael
Division Requesting This Proposal	DAS
Drafter	Noel Petra / Jenna Padula

Title of Proposal	An Act Increasing the Membership of the School Building Projects Advisory Council
Statutory Reference, if any	10-292q
Brief Summary and Statement of Purpose	This proposal adds two people to the School Building Projects Advisory Council (SBPAC)—a representative from DESPP and a representative from the Connecticut Technical High Schools.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

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BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	No
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies



Agency Legislative Proposal – 2023 Session
Document Name: DAS_9_AdditionalSBPACMembers

1. Agency Name	DESPP
Agency Contact (name, title)	Commissioner Rovella
Date Contacted	October 6, 2022
Status	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

2. Agency Name	CT Technical High Schools
Agency Contact (name, title)	Don Poulin
Date Contacted	October 6, 2022
Status	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

3. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact



State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

This proposal adds a representative from DESPP because that individual will help the SBPAC as it conducts its annual review of the school safety infrastructure criteria, and a representative from the CT Technical High Schools, since they recently became their own agency, independent of SDE.

INSERT FULLY DRAFTED BILL HERE



Agency Legislative Proposal – 2023 Session
Document Name: DAS_9_AdditionalSBPACMembers

Section 10-292q of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) There is established a School Building Projects Advisory Council. The council shall consist of: (1) The Secretary of the Office of Policy and Management, or the secretary's designee, (2) the Commissioner of Administrative Services, or the commissioner's designee, (3) the Commissioner of Education, or the commissioner's designee, **[and] (4) the Commissioner of Emergency Services and Public Protection, or the commissioner's designee, (5) the Chairperson of the Advisory Board for the Connecticut Technical Education and Career System, or the Chairperson's designee, and (6)** six members appointed by the Governor, one of whom shall be a person with experience in school building project matters, one of whom shall be a person with experience in architecture, one of whom shall be a person with experience in engineering, one of whom shall be a person with experience in school safety, one of whom shall be a person with experience with the administration of the State Building Code, and one of whom shall be a person with experience and expertise in construction for students with disabilities and the accessibility provisions of the Americans with Disabilities Act, 42 USC 12101 et seq. The chairperson of the council shall be the Commissioner of Administrative Services, or the commissioner's designee. A person employed by the Department of Administrative Services who is responsible for school building projects shall serve as the administrative staff of the council. The council shall meet at least quarterly to discuss matters relating to school building projects.

(b) The School Building Projects Advisory Council shall (1) develop model blueprints for new school building projects that are in accordance with industry standards for school buildings and the school safety infrastructure criteria, developed pursuant to section 10-292r, (2) conduct studies, research and analyses, (3) make recommendations for improvements to the school building projects processes to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education and finance, revenue and bonding, and (4) periodically review and update, as necessary, the school safety infrastructure criteria developed pursuant to section 10-292r